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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

**OZGUR**

Atty. Ref.: **2672-45**

Serial No. **10/663,983**

Group: **2823**

Filed: **September 17, 2003**

Examiner: **Pham, Thanh V.**

For: **INTEGRATED ELECTROMECHANICAL SWITCH  
AND TUNABLE CAPACITOR AND METHOD OF MAKING  
THE SAME**

**October 22, 2004**



Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO ELECTION/RESTRICTION REQUIREMENT**

Sir:

On September 28, 2004, the Examiner issued an election/restriction requirement in this application, identifying two inventions, which the Examiner grouped as Group I (claims 1-25), drawn to devices, and Group II (claims 26-42), drawn to methods.

It is respectfully noted that the issuance of an election/restriction requirement in this application was unnecessary because this application was filed with a Preliminary Amendment in which claims 1-25 (Group I in the Office Action) were cancelled. As such, the only claims pending in the application are claims 26-42, *i.e.*, the claims identified as Group II in the election/restriction requirement. To the extent that it may be necessary to "elect" a group of claims for proper response to the election/restriction requirement, Applicant elects, and has already elected, by reason of the previously-filed Preliminary Amendment, the claims of Group II for further prosecution in this application.

Copies of the Preliminary Amendment filed on September 17, 2003 and the post card evidencing receipt of the Preliminary Amendment by the USPTO are attached for the Examiner's consideration.

If the Examiner has any questions regarding the submitted Preliminary Amendment, he is urged to contact the undersigned at the telephone number listed below.

**NIXON & VANDERHYE P.C.**

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